



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

COHEN, PONTANI, LIEBERMAN & PAVANE  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK, NY 10176

**COPY MAILED**

**APR 08 2008**

**OFFICE OF PETITIONS**

In re Application of Köthen et al. :  
Application No. 10/559,207 :  
Filing Date: December 2, 2005 :  
Attorney Docket No. 410001-374PUS :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed May 18, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

A final Office action was mailed October 13, 2006.

A Notice of Appeal, Pre-Appeal Brief Request for Review, and payment for a three-month extension of time were filed April 16, 2007. The Certificate of Mailing date on the papers was April 12, 2007. Therefore, the papers were timely filed.

A Notice of Abandonment was mailed May 4, 2007. The Notice incorrectly stated petitioner had failed to file a response to the October 13, 2006 Office action.

The instant petition was filed May 18, 2007.

The Office mailed a "Letter Rescinding Notice of Abandonment" on May 23, 2007. However, the Office did not mail a decision on the instant petition. Therefore, the instant petition is technically still outstanding.

The petition filed May 18, 2007, is granted and the application is not abandoned.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions